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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,985

09/18/2007

Tsafrir Ben-Ari

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3003

44696

7590

12/02/2009

DR. MARK M. FRIEDMAN

C/O BILL POLKINGHORN - DISCOVERY DISPATCH

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UPPER MARLBORO, MD 20772

EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2612

NOTIFICATION DATE

DELIVERY MODE

12/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/598,985	Applicant(s) BEN-ARI, TSAFRIR	
	Examiner DANIEL PREVIL	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract should be limited to a single paragraph on a separate sheet within the range of 50 of 100 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzidon et al. (US 5,807,109) in view of Spirkovska (US 7,129,857).

Regarding claims 1, 12, 17, Tzidon discloses a method for providing on-demand audio information to a pilot of a first aircraft during aerial combat engagement with a hostile aircraft (fig. 1; abstract), the method comprising: (a) receiving a pilot-initiated request for information (col. 5, lines 14-17);(b) identifying the pilot-initiated request as either a first request-type or a second request-type (col. 3, lines 31-34 and lines 56-60); (c) if the pilot-initiated request is identified as the first request-type, retrieving from at least one system of the first aircraft output information relating current flight parameters of the first aircraft (col. Fig. 1; col. 3, lines 30-67); (d) if the pilot-initiated request is identified as the second request-type, retrieving from at least one system of the first aircraft output information relating to current flight parameters of the hostile aircraft (col. 4, lines 4-25).

Tzidon discloses all the limitations above but fail to explicitly disclose (e) generating a verbal message audible to the pilot containing said output.

However, Spirkovska discloses generating a verbal message audible to the pilot containing said output (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Spirkovska within the system of Tzidon in order to rapidly and quickly transmit valuable information related to the aircraft pilot's present needs thereby increasing the safety of the system.

Regarding claims 2, 13, 18, Tzidon discloses wherein the pilot-initiated request is provided by the pilot operating a finger-operated control (fig. 2; col. 3, lines 44-46).

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Regarding claims 3, 14, 19, Tzidon discloses wherein said finger-operated control is located to be operable from a normal hand position while operating at least one of a hand-held flight control and a hand-held weapon control (col. 5, lines 9-17).

Regarding claim 4, Tzidon discloses wherein the pilot-initiated request is identified as a first request-type or a second request-type according to which of a plurality of said finger-operated controls is operated by the pilot (fig. 2; col. 3, lines 45-47).

Regarding claim 5, Tzidon discloses wherein the pilot-initiated request is identified as a first request-type or a second request-type according to a time-sequence in which a single finger-operated control is operated by the pilot (col. 6, lines 37-47).

Regarding claims 6-7, 15-16, Tzidon discloses wherein the information relating to current flight parameters of the first aircraft includes at least two current flight parameters chosen from the group comprising: a current speed of the first aircraft; a current altitude of the first aircraft; and a current attitude of the first aircraft (fig. 3; col. 7, lines 13-32).

Regarding claims 8, 20, Tzidon discloses wherein the information relating to current flight parameters of the hostile aircraft is derived from a radar system of the first aircraft (col. 4, lines 11-20).

Regarding claims 9, 21, Tzidon discloses wherein the information relating to current flight parameters of the hostile aircraft is retrieved via a data communication system from a source remote from the first aircraft (fig. 1-fig. 3; col. 4, lines 11-25).

Regarding claims 10-11, 22-23, Tzidon discloses wherein the information relating to current flight parameters of the hostile aircraft includes at least a current speed (fly a

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predetermined path) of the hostile aircraft (col. 7, lines 13-32).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berstis et al. (US 6,348,877) discloses method and system for alerting a pilot to the location of other aircraft.

Philiben (US 6,252,525) discloses anti-collision system.

Watson (US 6,512,975) discloses traffic information service (TIS) uplink own aircraft heading correction.

McKinney (US 5,554,990) discloses airspace management system and method.

Barnett (US 5,416,705) discloses method and apparatus for use of alphanumeric display as data entry scratchpad.

Langner et al. (US 6,842,122) discloses customizable cockpit display systems and methods of customizing the presentation of cockpit data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL PREVIL whose telephone number is (571)272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

November 20, 2009.

/Daniel Previl/
Examiner, Art Unit 2612